

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board for Professional Engineers, Land Surveyors and Geologists
2535 Capitol Oaks Drive
Sacramento, CA 95833

Wednesday, June 22, 2011
10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on June 21, 2011, or must be received by the Board immediately following the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 6716, 6799, 8710 and 8805 of the Business and Professions Code, and to implement, interpret or make specific Sections 158, 6706.3, 6710, 6732, 6795, 6799, 8801 and 8805 of said code, the Board is considering changes to Division 5, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATE OVERVIEW:

An applicant for licensure as a Professional Engineer in the disciplines of Agricultural, Chemical, Control System, Electrical, Fire Protection, Industrial, Manufacturing, Mechanical, Metallurgical, Nuclear, and Petroleum must take and pass a national exam to obtain licensure. Applicants for licensure as a Civil Engineer, Structural Engineer and Land Surveyor must take both a national exam and a California state exam(s) to test for competency in the state-specific laws, and applicants for licensure as a Geotechnical Engineer and/or Traffic Engineer must take and pass only a California state exam. Dependent upon the applicant's education and experience, a national fundamentals exam must also be taken first as a first division examination to qualify for the Professional Engineering and/or Land Surveying exams.

The national exams are created and scored by the National Council of Examiners for Engineering and Surveying (NCEES) which provides the California Board, along with the boards of many other states, the national examinations. The Board contracts with NCEES and pays NCEES directly for the use of these national exams to test for licensure competency. Use of the national exams also provides for mobility of licensure into California for individuals already licensed in other states through the use of national exams and for California licensees seeking licensure in other states.

Currently, the Board staff administers both the national examinations and the California state-specific examinations twice each year, however, some exams are held only once a year. The Board currently pays directly to NCEES all required national exam fees for licensing examinees. Effective with the October 2012 exam administration, NCEES must assume the administration of all national exams, and licensing applicants will pay the national exam fees directly to NCEES. This change will require applicants to pay NCEES' a daily exam administration fee of \$100 for each national professional engineer or land surveyor examination, a daily administration fee of \$70 for each national fundamentals (in-training) examination, a \$10 national exam booklet fee and an examination grading fee. The current NCEES examination grading fees are \$45 for Fundamentals of Engineering (in-training), \$90 for Fundamentals of Land Surveying (in-training), \$155 for Professional Engineering, \$155 for Professional Land Surveyor, and \$800 for Structural Engineering. To accommodate this change in national exam payment processing, this proposal will reduce and realign the Board's required application and license fees (pursuant to B&P Code Sections 6799 and 8805), to the actual Board costs with the national examination costs excluded.

Adoption of these regulations affects several subsections of CCR 407 as follows:

1. Amend CCR Sections 407(b),(1),(2),(3),(4) to reduce from \$275 to \$110 the application fee for the authority to use the titles of "Structural Engineer," "Geotechnical Engineer," licensure as a professional engineer, and licensure as a professional land surveyor.
2. Replace the current CCR Section 407(c) with language to specify the \$110 fee for the state-specific exams (Civil Seismic Principles, Civil Engineering Surveying, Geotechnical Engineer, Land Surveying and Traffic Engineering) required for licensure);
3. Amend CCR Section 407(b)(5) to reduce from \$100 to \$40 the application fee for a certification as an Engineer-in-Training and for a certification as a Land Surveyor-in-Training;
4. Replace the current CCR Section 407(c) with 407(d) to reduce effective July 1, 2012 the biennial license renewal fee from \$125 to \$110.
5. Replace the current CCR Section 407(e) with 407(f) to reduce from \$87.50 to \$55.00 the retired license fee.

These regulations will also amend CCR Section 428(b) to revise "date of filing of an application" to "date of an application."

FISCAL IMPACT ESTIMATES:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board has determined that the proposed regulatory action will have no significant statewide adverse economic impact that directly affects public and/or state agencies. The Board anticipates that any increase to public and/or state agencies for examination fees for unlicensed employees would be mitigated by the reduction in initial application fees and biennial renewal fees.

Nondiscretionary Costs/Savings to Local Agencies:

None

Local Mandate:

None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement:

None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The proposed regulations will affect individuals applying for licensure as a Professional Engineer and/or Professional Land Surveyor as well as individuals who apply for certification as an Engineer-in-Training or a Land Surveyor-in-Training as the total amount of state and national fees required to become licensed will increase. The total exam fees will reduce for individuals that apply to take the Geotechnical Engineer and the Traffic Engineer exams. The Board anticipates that the initial increase in licensing exam fees will be partially mitigated by the biennial reduction in license renewal fees.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as

effective as and less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE:

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contracting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON:

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Debbie A. Thompson
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2269
FAX No.: (916) 263-2246
E-Mail Address: Debbie.Thompson@dca.ca.gov

The backup contact person is:

Name: Linda Brown
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2238
FAX No.: (916) 263-2246
E-Mail Address: Linda.Brown@dca.ca.gov

WEBSITE ACCESS:

Materials regarding this proposal can be found at <http://www.bpels.ca.gov>